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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Implementation of NSDD 19

FROM:

Chairman, SECOM

EXTENSION

NO.

DATE

29 January 1982

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Bob Gates
DDI 7E44

2 FEB 1982

f.

Bob.

This is a clean copy of what went to DDCI with the the following cover note.

"This is the draft imple-
ments I was tasked to prepare

comments have been included. Walt Elder feels the NFIC is the appropriate forum for discussion in order to include OSD Policy. A copy of this package has been passed to Bob Gates but he has not yet had a chance to react. Request your approval of this approach and any comments you might have."

I'd appreciate your comments.

1409:

Looks ok to me.

8.

C/SEC-OM (ER)

10.

11.

12.

13.

14.

15.

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005-779-82

29 Jan 1982

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: [REDACTED]
Chairman, DCI Security Committee

SUBJECT: Implementation of NSDD 19, "Protection of Classified
National Security Council and Intelligence Information" [REDACTED]

1. Action Requested: Your consideration of proposals to implement NSDD 19 for the Intelligence Community, and your guidance on how to proceed. [REDACTED]

2. Background: The President tasked Mr. Clark to prepare implementation procedures for NSDD 19. Mr. Clark has directed you to develop procedures for protection of sensitive classified intelligence information similar to those prescribed for NSC information. They are to be cleared within the Community and submitted to the NSC in draft no later than 15 February 1982, with any dissents noted. [REDACTED]

3. Discussion: Preliminary analysis within CIA suggests divisions that might surface in the Community. One view is that we should use the NSDD as a lever to impose strict controls over all intelligence information - this seems incompatible with timely handling of high volumes of data. Another view is that only cosmetic adjustments need to be made. A middle course would be to use this opportunity to tighten control over truly sensitive material in a manner that recognizes resource limitations and timeliness imperatives. [REDACTED]

4. Staff Position: Our proposals on specific aspects of this are:

a. Definition of "sensitive classified intelligence information" you are to address -- We propose that this be defined as Sensitive Compartmented Information (SCI), Operations Directorate Blue Border series material, and, within Defense, special access program information related to intelligence [REDACTED] These types of data are tightly controlled now because of their sensitivity.

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b. Strict access controls and polygraph use in case of leaks -- We propose only slight modifications to existing procedures. Access to SCI, etc., is only granted now based on must-know considerations. A restatement of that seems to be all that is needed. Personal responsibility associated with access is clearcut under the current policy requiring signature of nondisclosure agreements as a condition of access. However, current policy encourages but does not mandate having those agreements include specific prepublication review requirements. The absence of such may blur a signatory's sense of responsibility. The NSDDs requirements that those granted access to strictly controlled material be subject to use of "all legal methods" (read polygraph) in investigations of leaks is a Presidential mandate. We propose that you specifically tell the Community that this requirement applies to all who now have or are subsequently granted access to SCI, etc. We further propose that Community nondisclosure agreements be modified to include this requirement.

c. Tight control over contacts with the news media -- We propose that you state to the Community that you see no reason for working-level intelligence officers and little reason for senior ones to be talking to the press. Further, that you state that where some contact is deemed absolutely necessary in a Community department or agency, contact may be made only with the advance approval of the responsible Senior Intelligence official (SIO) (defined to be a member of NFIB or NFIC) in accordance with NSDD 19 provisions, with a copy of the required memorandum of what transpired provided to you.

d. Limits on dissemination of sensitive material -- We propose that you task SIOs to conduct critical reviews of their dissemination practices and procedures for SCI, etc., aimed at eliminating duplicative and unnecessary dissemination and limiting the balance to cases of clear "must know." Further, that you require SIOs to report to you in writing that they have done this and that they personally vouch for the necessity of residual dissemination.

e. Unauthorized disclosures investigations -- We propose that you restate current procedures in somewhat more emphatic form. Specifically, that you require SIOs to conduct internal investigations when they determine that a leak occurred in their agency; that they report all such determinations to you; and that you tell the SIOs you will refer significant leaks to the Justice Department, asking for FBI investigation and/or legal action. Further, that you inform SIOs that the FBI may have access to the results of internal investigations and has been authorized to conduct polygraph examinations incident to leak investigations for those agencies which lack a polygraph capability.

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f. Tactics -- We propose that you and the DDCI consider:

(1) Discussion by the DCI at an early NFIC meeting of NSDD 19 requirements and your proposed implementation of it. Specific dissents should be requested in writing in time to be attached to the material you are to send the NSC by 15 February.

(2) Emphasizing to the Community that these changes are driven by Presidential decision and are not subject to debate within the NFIC structure.

(3) Having the DDCI address an early meeting of the Security Committee (after the NFIC one) to provide implementation guidance for those who will have to work out procedures for the Community agencies.

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5. Recommendation: Your review of these proposals as reflected in attached draft material for your use in communicating requirements to SIOs and the Community. Your guidance on how to proceed.

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Attachment:
Proposals

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THE WHITE HOUSE

WASHINGTON

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 19

Protection of Classified National Security Council
and Intelligence Information

Unauthorized disclosure of classified information under the jurisdiction of the National Security Council and of classified intelligence reports is a problem of major proportions within the U.S. Government. The Constitution of the United States provides for the protection of individual rights and liberties, including freedom of speech and freedom of the press, but it also requires that government functions be discharged efficiently and effectively, especially where the national security is involved. As President of the United States, I am responsible for honoring both Constitutional requirements, and I intend to do so in a balanced and careful manner. I do not believe, however, that the Constitution entitles government employees, entrusted with confidential information critical to the functioning and effectiveness of the Government, to disclose such information with impunity. It is precisely the situation we have. It must not be allowed to continue.

To this end, I hereby establish and direct implementation of the following policies.

Contacts with the Media

All contacts with any element of the news media in which classified National Security Council matters or classified intelligence information are discussed will require the advance approval of a senior official. An administrative memorandum will be prepared as soon as possible after the contact, recording the subjects discussed and all information provided to the media representatives.

Access

The unauthorized disclosure of classified National Security Council information, documents, and deliberations requires further control to limit access and to ensure an accurate record of those who have had access. The number of officials with access to documents relating to NSC matters will be kept to the minimum essential to the orderly conduct of the government's business.

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Investigations

The government's lack of success in identifying the sources of unauthorized disclosure of classified National Security Council information and documents of classified intelligence information must be remedied and appropriate disciplinary measures taken. Henceforth, in the event of unauthorized disclosure of such information, government employees who have had access to that information will be subject to investigation, to include the use of all legal methods.

Applicability and Implementation

The provisions of this directive shall be effective immediately and shall apply to all employees of, and elements within, agencies participating in the National Security Council system, including the Executive Office of the President. The Assistant to the President for National Security Affairs is directed to establish the detailed procedures to implement policies.



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